

G. PETER VAN ZANDT, ESQ.  
Attorney for Defendants  
City of Ithaca and Andrew Novarro  
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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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JOSEPH AMORE,

**CIVIL ACTION NO. 04 CIV 0176**

Plaintiffs,

**NOTICE TO DISMISS PURSUANT  
TO RULE 12(b)(6) OF THE FEDERAL**

v.

**RULES OF CIVIL PROCEDURE**

CITY OF ITHACA and ANDREW  
NOVARRO,

Defendants.

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TO: Edward Kopko, Esq.  
15 Nottingham Drive  
Ithaca, New York 14850

COUNSEL:

PLEASE TAKE NOTICE that on September 10, 2004 at 10:00 a.m., or as soon thereafter as counsel may be heard, the undersigned, attorney for defendants City of Ithaca and Andrew Novarro ("Defendants") shall move, pursuant to Fed. R. Civ. P. 12(b)(6) before the Honorable Frederick J. Scullin, Jr., United States District Court Judge, for an Order to dismiss plaintiff's Complaint.

PLEASE TAKE FURTHER NOTICE that in support of this Motion, defendants shall rely upon the pleadings in this case filed, the accompanying Memorandum of Law, Certification and affidavit of G. Peter Van Zandt, Esq., together with various exhibits thereto.

A proposed form of Order is submitted herewith.

Dated: August 13, 2004

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Attorney for Defendants City of Ithaca  
and Andrew Novarro